

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No.: 10-12706

Currency \$7,590,

Honorable Sean F. Cox

Defendant.

ORDER DENYING THE GOVERNMENT'S
MOTION FOR DEFAULT JUDGMENT

Plaintiff, United States of America (“the Government”) filed this action on July 8, 2010, asserting that \$7,590 in U.S. currency seized from Claimant Dontay Adams (“Adams”) on February 1, 2010 is subject to forfeiture because it is money used, or intended to be used, in a drug transaction. (Docket Entry No. 1). Rule G(5)(b) of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions requires a claimant in a forfeiture action to file an answer to the complaint within 21 days after filing a claim.

On August 16, 2010, Claimant Adams, proceeding *pro se*, filed an Answer that failed to address the Government’s Complaint for forfeiture. (Docket Entry No. 8). On November 4, 2010, the Government requested a Clerk’s Entry of Default, which the Clerk granted the same day. On November 18, 2010, the Government filed a Motion for Default Judgment as to Defendant Currency \$7,590. (Docket Entry No. 14). The Court heard oral argument on the Government’s motion on February 3, 2011. Adams presented his claim at the hearing, and the Court ordered Adams to amend his answer in order to sufficiently address the Government’s

complaint. (Docket Entry No. 21).

On February 28, 2011, Adams filed his Amended Answer, in which he claims that the Government has no evidence that the money seized was the result of drug proceeds. (Docket Entry No. 22).

Considering Adams' *pro se* status, Adams' Amended Answer sufficiently addresses the Government's Complaint for Forfeiture.

Accordingly, the Court **DENIES** the Government's Motion for Default Judgment. The Court also **SETS ASIDE** the Clerk's Entry of Default.

IT IS SO ORDERED.

Dated: March 22, 2011

s/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on March 22, 2011, the foregoing document was served upon counsel of record by electronic means and upon Dontay Adams by First Class Mail at the address below:

Dontay Leon Adams
13309 Kilbourne
Detroit, MI 48212

Dated: March 22, 2011

s/ Jennifer Hernandez
Case Manager